

<b>DOD: 1-12-89</b>	<b>MARY ELLEN RODRIGUEZ and DOLORES TRUJILLO</b> , Daughters, were appointed as Co-Administrators without IAEA and with bond of \$8,000.00 on 1-16-1990.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order 7/1/15:</b> Ms. LeVan represents that the buyer has not communicated with her for the last 2 days, and that the sale was not going through an escrow company. Based on this representation, the Court invalidates the sale of the real property and orders that it be relisted for sale immediately, with the sale going through an escrow company. Ms. LeVan is to file a status report verified by Ms. Trujillo.  <b>Note:</b> On 2-23-15, the Court confirmed the sale of real property and set status hearing for receipt of the proceeds into a blocked account (Page B).  1. <b>Need Petition for Final Distribution or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from 081414, 100214, 110614, 121814, 020215, 022315, 032515, 040115, 042915, 052015, 062415, 070115</b>	Bond was filed and Letters issued on 1-17-1990.  Nothing further was filed.  The open estate was discovered and the Court set this status hearing.  The I & A was filed 10-1-14, showing the estate value at \$30,000.00.	
<b>Aff.Sub.Wit.</b>		<b>Reviewed by:</b> skc <b>Reviewed on:</b> 8/4/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 1A – Rodriguez</b>
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

<b>DOD: 1-12-89</b>		<b>DOLORES TRUJILLO</b> , Daughter, is the sole remaining Administrators without IAEA and with bond of \$8,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		On 2-23-15, the Court confirmed the sale of real property and ordered the net proceeds of \$12,000.00 to be deposited into a blocked account.	<b>Minute Order 7/1/15: Ms. LeVan represents that the buyer has not communicated with her for the last 2 days, and that the sale was not going through an escrow company. Based on this representation, the Court invalidates the sale of the real property and orders that it be relisted for sale immediately, with the sale going through an escrow company. Ms. LeVan is to file a status report verified by Ms. Trujillo. Continued to 8/11/15.</b>
<b>Cont. from 032515, 042915, 052015, 070115</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	The Court set this status hearing for the filing of the receipt for blocked account.	
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	<b>Status Report filed 3-24-15 states</b> the petitioner has attempted to open the blocked account. The first time, she was incorrectly informed by a teller that she could not open one under these circumstances. After the attorney personally contacted the branch manager, he determined there was a miscommunication and assured the attorney that he would personally assist the petitioner when she returned. When she returned, she was informed that they would not open the account without a certified copy of the death certificate. Petitioner then proceeding to obtain a certified copy of the death certificate and returned to the bank the following week. However, without consulting Counsel, Petitioner intended to have the buyer wire funds into the account and did not have a check in hand at the bank. The bank informed Petitioner that the money had to be deposited when the account was opened. Petitioner has no vehicle and the buyer has been taking time from work to transport to the bank for this transaction. As such, Petitioner has not yet returned to the bank.	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	As the procedure at Chase Bank is to allow the legal department a minimum of 7-10 business days to review a Receipt and Acknowledgment form, an additional 30 days is respectfully requested to allow Petitioner to schedule another trip to the bank with the buyer and to allow the bank to review and file the receipt.	
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>	The First and Final Account and Petition for Final Distribution is ready for filing as soon as the funds are deposited. Counsel respectfully requests an additional 30 days for the filing of this petition as well.	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
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<input type="checkbox"/>	<b>Order</b>		
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<input checked="" type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Reviewed by: skc

Reviewed on: 8/4/15

Updates:

Recommendation:

File 1B - Rodriguez

Attorney Poochigian, Mark S. (for Petitioner Ann L. Kromberg, Administrator)  
 Attorney Krause, Stefanie J. (for Ruth P. Lind, former Attorney for Administrator Ann Kromberg)

**First and Final Report of Personal Representative, Petition for Termination of Decedent's Estate and Allowance of Attorneys' Fees on Waiver of Accounting**

<b>DOD: 6/10/1991</b>		<b>ANN L. KROMBERG</b> , daughter and Administrator, is Petitioner.  Accounting is waived.  I & A — <b>\$375,000.00</b> POH — <b>\$0.00</b>  Administrator — <b>waives</b>  Attorney (BMJ) — <b>\$8,400.00</b> (80% of total <b>\$10,500.00</b> statutory fee requested to be paid to Baker Manock & Jenson;) <b>Note:</b> Declaration of Ruth Lind filed 6/22/2015 states she represented the Administrator during a substantial part of the probate matter, up to and including the preparation in its entirety of the Inventory and Appraisal, and she requests <b>80%</b> of the statutory fee in the sum of <b>\$8,400.00</b> .  Costs — <b>\$435.00</b> (filing fee)  <p align="center">~Please see additional page~</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Page 2B</b> is the <i>Petition for Allowance of Ordinary and Extraordinary Fees to Attorney Ruth P. Lind</i> .  <b>Continued from 7/14/2015</b> , per stipulation and order signed 7/13/2015. The following issues from the last hearing remain:  1. Petitioner distributed the estate real property without Court order in violation of Probate Code § 10501(a)(4). Court may require Petitioner to procure a deed of rescission for the real property from Decedent's spouse, <b>MARLENE KROMBERG</b> , as suggested by Petitioner.  2. <i>Petition</i> states there are no assets remaining in the estate for distribution, as Petitioner distributed the sole estate asset to the Decedent's spouse. <i>Petition</i> does not but should address the source of payment for the requested attorney fees and reimbursement of costs.  3. Need proposed order.
<b>Cont. from 071415</b>			
<input type="checkbox"/> Aff.Sub.Wit.			
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<input checked="" type="checkbox"/> Inventory			
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<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 9202			
<input type="checkbox"/> Order	X		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
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<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice	N/A		

**Petitioner states:**

**Character of Estate and Advance Distribution:**

- The estate consists solely of real property, which the Decedent received as a gift from his parents on approximately 2/14/1949;
- Pursuant to that certain Declaration of Land Patent recorded on 9/13/1985, Decedent and **MARLENE KROMBERG**, spouse, severally certified and declared *[in sum, that the real property is patented and thereby a perfect fee simple title is held in their names]; (copy of Land Patent attached as Exhibit A);*
- Pursuant to the Land Patent, the real property that has been inventoried as an asset of this Decedent's estate was declared as of 9/13/1985 to be owned jointly by Decedent James M. Kromberg and Marlene Kromberg;
- Even in the absence of the Land Patent, the Decedent was married to Marlene Kromberg in 1953, and at all times during the marriage, including for many years prior to 1985 (the time which California first required transmutations to be in writing), the Decedent treated the real property as the community property of himself and Marlene Kromberg; the property was improved and farmed using community property, the Decedent and his wife Marlene Kromberg personally farmed the property, the proceeds from such property were treated as community property; thus, it appears to the Petitioner that such real property was the community property of the Decedent and Marlene Kromberg;
- The estate is in a condition to be closed; the estate administration was prolonged due to multiple factors, including that the Decedent's conservatorship case prior to his death (0420590) was not closed until 1998 *[Decedent's DOD 6/10/1991];*
- Petitioner, in attempting to complete the administration of the estate without incurring unnecessary attorney's fees, consulted with a paralegal service regarding completion of administration; based on that consultation, Petitioner incorrectly understood that as personal representative she was authorized to make distributions from the Decedent's estate after giving notice of the proposed action to interested persons;
- Petitioner distributed the Decedent's real property to Decedent's surviving spouse, Marlene Kromberg on 2/13/2015 after obtaining consents from the other heirs of the Decedent *(copy of recorded Deed to real property attached as Exhibit B);*
- If required by the Court, Petitioner will request that her mother *[Marlene Kromberg]* execute a deed of rescission, conveying the subject real property back to the estate of the Decedent, as Petitioner does not anticipate any problem obtaining such deed from her mother is required;
- There are no assets remaining in the estate for distribution, as Petitioner distributed the sole estate asset to the Decedent's spouse.

**~Please see additional page~**

**Petitioner states, continued:****Representation and Attorney's Fees:**

- Attorney Ruth P. Lind was counsel of record for Petitioner in this matter from its inception in 1991 until 2/10/2015; (Petitioner consulted with but did not retain Baker Manock & Jensen in 2012, and Attorney Poochigian advised Ms. Lind in February 2012 that he had not been retained);
- Petitioner was [self-represented] from 2/10/2015 until 4/9/2015, when Attorney Poochigian began representing her until the present;
- Ruth Lind has, through counsel, corresponded with Petitioner regarding the amount of fees claimed to be owed to Ms. Lin (*copy of billing statement sent to Petitioner's counsel on 5/12/2015 attached as Exhibit C*);
- Ms. Lind requests **80%** of the statutory fee (**\$8,400.00**), in addition to costs (**\$334.50**) and extraordinary fees for a total fee request of **\$28,467.50**;
- Petitioner objects to the fees requested by Ms. Lind, and is hopeful that good-faith attempts to resolve her dispute with Ms. Lind will result in their agreeing on a mutually acceptable amount of attorney's fees that should be paid to Ms. Lind and that such agreement may be reached prior to the hearing on the instant petition;
- As of the filing of this Petition, Baker Manock & Jensen has rendered ordinary and extraordinary services to the Petitioner, and requests that **80%** of the statutory fee be apportioned to it, and that additional fees for extraordinary services to the personal representative be awarded to Baker Manock & Jensen in an amount not to exceed **\$10,000.00**, based on appropriate substantiation.

**Petitioner requests this Court order that:**

1. Administration of the estate be closed without an accounting;
2. All acts and proceedings of Petitioner as personal representative be confirmed and approved;
3. Petitioner be authorized and directed to pay Petitioner's attorney Baker Manock & Jensen the sum of **\$8,400.00** as fees for ordinary services to Petitioner, **\$435.00** for costs advanced to the estate, and fees for extraordinary services to the personal representative in an amount not to exceed **\$10,000.00**, based on appropriate substantiation; and
4. Distribution of the estate in Petitioner's hands [*there are no assets remaining in the estate for distribution*], and any other property of Decedent or estate not now known or discovered be made to the persons entitled to it.

Attorney Poochigian, Mark S. (for Petitioner Ann L. Kromberg, Administrator)  
 Attorney Krause, Stefanie J. (for Ruth P. Lind, former Attorney for Administrator Ann Kromberg)

## Petition for Allowance of Ordinary and Extraordinary Fees to Attorney Ruth P. Lind

<b>DOD: 6/10/1991</b>		<b>RUTH P. LIND</b> , former Attorney for Administrator Ann Kromberg, is Petitioner. <b>Petitioner states:</b> <ul style="list-style-type: none"> <li>Ann Kromberg retained Attorney Ruth Lind for assistance in administering the Estate of James Kromberg; Ms. Lind rendered legal services necessary in the administration of the estate from the start of the probate until 2/10/2015;</li> <li>Ann Kromberg has filed an inventory and appraisal showing the value of the estate to be <b>\$375,000.00</b>;</li> <li>Although Ms. Lind was unable to complete the probate of this action due to a Substitution of Attorney, Ms. Lind did the majority of the work on the probate;</li> <li>The only remaining item to be complete when Ms. Lind substituted out was preparation of the Petition for Final Distribution and Accounting, which the Administrator indicates will be waived;</li> <li>Therefore, Ms. Lind requests <b>80%</b> of the <b>\$10,500.00</b> statutory fee; Ms. Lind requests <b>\$8,400.00</b> of that fee;</li> <li>Additionally, Ms. Lind has performed extraordinary legal services in the administration of the estate; the activities, amount of time devoted to each, and the costs are detailed in the <i>Declaration of Ruth P. Lind [filed 6/22/2015]</i>;</li> <li>Ms. Lind should be allowed reasonable compensation for these services, which is <b>\$19,833.00</b>, and which has not been paid;</li> <li>Ms. Lind also incurred costs in the administration of the estate, itemized in the <i>Declaration of Ruth P. Lind [filed 6/22/2015]</i>; Ms. Lind should be allowed reimbursement of those costs in the amount of <b>\$334.50</b>;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
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<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>			W/
<input type="checkbox"/>	<b>Pers.Serv.</b>			
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<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
				<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 8/7/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 2B - Kromberg</b>

**Petitioner states, continued:**

- There is good cause to grant this Petition prior to the final distribution of the estate; there have been continued delays by Ann L. Kromberg to finalize the estate, which may continue considering the Petition relies on pending waivers of the accounting;
- Furthermore, waiting until the conclusion of the probate will result in hardship on Ms. Lind, as further set forth in her Declaration in support of this Petition.

**Petitioner prays the Court make its Order as follows:** Ann L. Kromberg, the Administrator of the Estate, be authorized and directed to pay Ruth P. Lind **\$8,400.00** from estate funds as the unpaid balance of compensation for ordinary services to the estate, **\$19,733.00** as the unpaid balance of extraordinary services to the estate as specified, and **\$334.50** as reimbursement for costs incurred by Ruth P. Lind as specified for a total of **\$28,467.50**.

**Declaration of Ruth P. Lind in Support of Petition filed 6/22/2015** describes the extraordinary legal services rendered and includes dated itemizations from 6/10/1991 to 8/18/2006, for **139.95 hours** resulting in a fee of **\$19,733.00**, calculated at rates of **\$125.00/hour in 1991, \$135.00/hour in 1992, \$150.00/hour in 1993, \$175.00/hour in 1995, and \$200.00/hour in 2002** and for the remainder of the work on this probate. **Declarant states:**

- She represented the Administrator Ann L. Kromberg from the start of the probate proceeding until 2/10/2015;
- She also represented the Administrator in other matters that were filed in Fresno County Superior Court [*please refer to Page 1 for list of 4 separate cases, which have all been completed*]; payment was authorized by Court order for all of those matters, and the fees and costs sought in this *Petition* were not billed for or paid in those matters;
- The probate is still continuing in this matter, although she is no longer the attorney of record in this proceeding;
- Because she represented the Administrator during a substantial part of the probate, completed all work except for the filing of the Inventory and Appraisal which she prepared in its entirety, and the Petition for Final Distribution, she requests **80%** of the statutory fee of **\$10,500.00**, amounting to **\$8,400.00**;
- There were bankruptcy cases involving some estate properties and interest, and she provided extraordinary services in corresponding and conferencing with Administrator and various attorneys involved with the bankruptcy cases, and title company officer, including arranging for appointment of special administrator; as a result, the Public Administrator was appointed and the properties in question were protected;
- She provided extraordinary services in obtaining records and assets from William Kromberg, needed to enable the Administrator to marshal the Decedent's assets; as a result of her actions, the Administrator was able to stop attempts of William Kromberg and his son to move assets;
- The **\$8,400.00** in statutory fees and **\$19,733.00** in extraordinary fees is reasonable compensation for the legal services itemized and attached as *Exhibit A* to the Declaration;
- She has not received payment for any of her services on this case; she received payment for services provided in other matters in which she represented the Administrator [*Ann L. Kromberg*]; however, the items listed in *Exhibit A* are not duplicates of previously paid fees or costs;
- She advanced costs itemized on *Exhibit A* [*for certified copies, filing fees, publication, archive retrieval fee*], and requests reimbursement of the **\$334.50** costs;
- There is good cause for allowance of compensation at this time; she was required to devote substantial time to providing legal services on this case;
- She is a sole practitioner and her normal income diminished accordingly, causing hardship to her.

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

	<b>ROQUE RODRIGUEZ.,</b> son, appointed administrator with full IAEA authority with bond set at \$22,500.00 on 03/07/2006.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b><u>OFF CALENDAR.</u></b>
		<b>Hearing vacated pursuant to Minute Order of 08/06/2015</b>
Cont. from 022814, 053014, 092214, 120814, 032315, 061515, 063015	Letters issued on 03/16/2006.	<b>Note: Notice of Proposed Action filed 11/24/2014.</b>
Aff.Sub.Wit.	Inventory and Appraisal filed 03/16/2006 shows an estate valued at \$22,500.00 consisting of real property.	<b>Minute Order: A counter-offer to an offer of \$35,000.00 is pending on the real property; the Court admonishes that it can force the sale if need be, and that the estate needs to be closed.</b>
Verified	First Account or Petition for Final Distribution was due 05/2007.	<b>Minute Order of 03/23/2014: Mr. Rodriguez is admonished regarding possible removal for lack of progress in this matter. If the petition is filed at least two court days prior, then no appearance is necessary on 06/15/2015.</b>
Inventory	Notice of Status Hearing was mailed to Attorney Mortimer and Roque Rodriguez on 11/22/2013.	1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
PTC		
Not.Cred.		
Notice of Hrg	<b>Former Status Report filed on 6/10/15 states</b> since the last hearing the proposed buyer of the real property, which is the only asset of the estate, has rescinded their offer. There is no current offer pending, and the real property located in Firebaugh continues to be listed for sale.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Until the real property is sold there is nothing to account for.	
Letters		
Duties/Supp		
Objections		
Video Receipt	Request is therefore made that any continued status hearing be set out a number of months so that hopefully a new buyer can be found.	
CI Report		
9202		
Order		
Aff. Posting		<b>Reviewed by: LV</b>
Status Rpt		<b>Reviewed on: 08/06/2015</b>
UCCJEA		<b>Updates:</b>
Citation		<b>Recommendation:</b>
FTB Notice		<b>File 3 – Rodriguez</b>



Petitioner Sabino J.L. Ferri (Pro Per Petitioner, Co-Executor)  
 Petitioner Pasqua Carmela Ferri (Pro Per Petitioner, Co-Executor)

**Second and Final Report of Executors and Petition for Final Distribution on  
Waiver of Accounting**

<b>DOD: 5/23/2012</b>		<b>SABINO J.L. FERRI and PASQUA CARMELA FERRI</b> , Co-Executors with Full IAEA without bond, are Petitioners.  Accounting is waived.  <table> <tr> <td>I &amp; A</td> <td>—</td> <td><b>\$460,924.85</b></td> </tr> <tr> <td>POH</td> <td>—</td> <td><b>\$469,594.55</b> <i>(all cash)</i></td> </tr> <tr> <td>Co-Executors <i>(statutory)</i></td> <td>—</td> <td><b>waive</b></td> </tr> <tr> <td>Costs <i>(filing fee)</i></td> <td>—</td> <td><b>\$435.00</b></td> </tr> </table> <b>Distribution pursuant to Decedent's Will is to:</b> <ul style="list-style-type: none"> <li>• SABINO J. L. FERRI – <b>\$117,289.88 cash</b>;</li> <li>• PASQUA CARMELLA FERRI – <b>\$117,289.89 cash</b>;</li> <li>• SABINA DINUZZO – <b>\$117,289.89 cash</b>;</li> <li>• NICHOLAS THOMAS FERRI – <b>\$117,289.89 cash</b>.</li> </ul>	I & A	—	<b>\$460,924.85</b>	POH	—	<b>\$469,594.55</b> <i>(all cash)</i>	Co-Executors <i>(statutory)</i>	—	<b>waive</b>	Costs <i>(filing fee)</i>	—	<b>\$435.00</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
I & A	—		<b>\$460,924.85</b>												
POH	—		<b>\$469,594.55</b> <i>(all cash)</i>												
Co-Executors <i>(statutory)</i>	—		<b>waive</b>												
Costs <i>(filing fee)</i>	—		<b>\$435.00</b>												
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<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 8/7/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 4 – Ferri</b>

Attorney Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)  
 Attorney Deal, Leonard E., (for Objector Jesse R. Tubbs, son)

First Amended (1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate

<b>DOD: 12/30/2011</b>		<b>ABRAHAM ISAAK TUBBS, JR.</b> , son and Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Page 5B</u> is the Status Hearing Re Settlement.
		<b>Account period: 12/30/2011 – 12/31/2014</b>	<ol style="list-style-type: none"> <li>1. Court records do not show that the filing fee for the initial Petition for Settlement of First and Final Account filed on 3/11/2015 has been paid. It appears a <b>\$435.00</b> filing fee is due from Abraham Isaak Tubbs, Jr., or Mr. Tubbs may provide the Court with a receipt for payment of the filing fee for the filing on 3/11/2015.</li> <li>2. Pursuant to Local Rule 7.12.4, the Court will not order distribution of real property in undivided interests without the written consent of all distributees. Need signed consent to distribution of the real property in undivided interests from distributee <b>JESSE ROGER TUBBS.</b></li> </ol>
<b>Cont. from 063015</b>		Accounting - <b>\$45,204.74</b>	
		Beginning POH - <b>\$45,204.74</b>	
<b>Aff.Sub.Wit.</b>		Ending POH - <b>\$45,204.74</b> (real property and \$204.74 cash)	
✓	<b>Verified</b>		
✓	<b>Inventory</b>	Administrator - <b>\$1,808.19</b> (statutory)	
✓	<b>PTC</b>		
✓	<b>Not.Cred.</b>	Attorney - <b>\$1,808.19</b> (statutory)	
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	Attorney XO - <b>\$1,693.50</b> (per Declaration filed 3/11/2015; for preparation of affidavit-death of joint tenant to clear title (1.10 paralegal hours totaling \$148.50); collection of unclaimed property held by Controller's office @ .10 attorney hours and 7.40 paralegal hours totaling \$1,050.00; attempts to sell property to satisfy claim of DOH @ .70 attorney hours and 1.80 paralegal hours totaling \$495.00;)	
	<b>Aff.Pub.</b>		
✓	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b> 013014		
	<b>Duties/Supp</b>		
✓	<b>Objections</b>	Court Costs - <b>\$870.00</b> (filing fees; due upon distribution;)	
	<b>Video Receipt</b>		
	<b>CI Report</b>	Attorney Costs - <b>\$667.61</b> (recording fees, probate referee, publication, certified copies;)	
✓	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		

~Please see additional page~

**Reviewed by:** LEG

**Reviewed on:** 8/7/15

**Updates:** 8/10/15

**Recommendation:**

**File 5A - Tubbs**

**Petitioner states:**

- Creditor's Claims were filed by the Department of Health (DOH); **\$47,781.76** for benefits to **ABRAHAM TUBBS**, predeceased spouse of Decedent; and **\$132,174.44** for Decedent; both of the heirs of the estate filed hardship waivers with DOH; the hardship waiver filed by Petitioner Abraham Isaak Tubbs, Jr., was denied by DOH as to both Creditor's Claims;
- Based on information and belief, DOH approved the hardship waiver for **JESSE ROGER TUBBS**, son, as to the Creditor's Claim filed regarding the Decedent, but denied the hardship waiver as to the claim for Abraham Tubbs (Decedent's spouse);
- The estate does not have cash available to pay the creditors' claims and they remain unpaid;
- The DOH has requested that Petitioner include the following language in both the *Petition* and order for final distribution:
  1. "Distribution is subject to a LIEN *[in the amount of \$33,750.00]* in favor of the STATE OF CALIFORNIA, DEPARTMENT OF HEALTH CARE SERVICES, on the real property located in the County of Fresno, State of California, described as *[real property legal description omitted; terms of repayment omitted]*;
- Initially, it was believed that 3 unclaimed properties may belong to the estate; **\$204.74** from ADT Security is an estate asset *[included on a Supplemental I & A filed 10/27/2014]*; upon further research, it was discovered that in fact **\$4,616.73** was monies deposited by Petitioner's parents while Petitioner was incarcerated and belongs to Petitioner as his sole and separate property; a safe deposit box was established by Decedent's parents at Guarantee Savings (acquired by Citibank) and Petitioner's father included Petitioner's name as a signer for accessing the contents; Petitioner found the following in the safe deposit box:
  1. One man's gold wedding band, belonging to Petitioner's father (Decedent's husband); Petitioner still has this gold band in his possession;
  2. One woman's gold wedding ring with seven small diamonds, belonging to Decedent; Petitioner still has this gold ring in his possession;
  3. One small baby ring with two small diamonds on gold band; Petitioner alleges this ring belonged to him and he has sold the ring;
  4. Two small children's gold bracelets; Petitioner alleges these bracelets belonged to him and he has sold the bracelets;
- Petitioner has been unable to proceed with the sale of the real property and house to pay the costs of administration and debts of the estate due to the fact that the remaining heir, **JESSE ROGER TUBBS**, son, resides in the house and refuses to vacate the premises or pay rent;
- Based on information and belief, all real property taxes due and payable by the estate have been paid by **JESSE ROGER TUBBS**;
- Unpaid costs of administration include filing fees of **\$870.00**; DOH claims of **\$47,781.76** and **\$132,174.44**; Petitioner's compensation of **\$1,808.19**; statutory and **\$1,693.50** extraordinary compensation of **\$1,808.19** to Petitioner's attorney; **\$667.61** costs advanced by attorney; closing expenses *[listed fully on Page 7 paragraph 25 (A) through (G)]*.

~Please see additional page~

**Proposed Distribution pursuant to intestate succession is to:**

1. **ABRAHAM ISAAK TUBBS, JR.** – One man's gold wedding band; and  $\frac{1}{2}$  **interest in real property, subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
  - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
  - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
  - Statutory administrator commissions to Petitioner of **\$1,808.19**;
  - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).
2. **JESSE ROGER TUBBS** – One woman's gold wedding ring with 7 small diamonds; and  $\frac{1}{2}$  **interest in real property, subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
  - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
  - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
  - Statutory administrator commissions to Petitioner of **\$1,808.19**;
  - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

**Request by JESSE R. TUBBS to Take Judicial Notice of State of California Department of Health Care Services Action and California Code of Regulations; and Declaration of Leonard E. Deal to Support Request was filed 6/19/2015, and states:**

- Respondent requests the Court take judicial notice of the attached copies of documents:
  1. Grant of Hardship Waiver: Under Evidence Code §§ 451(b) and 452(c) as an official act of an executive department:
    - State of California Department of Health Care Services 8/27/2014 grant to Jesse Tubbs of 22 CCR § 50963(a)(4) hardship waiver of lien claim against the Estate of Julia Tubbs;
  2. California Code of Regulations: Under Evidence Code § 452(b):
    - Section 50960.36, definition of Voluntary Post-Death Lien, agreed to and placed on real property to secure payment of lien;
    - Section 50961(e), Estate Claims, subject to waiver of proportionate share when granted;
    - Section 50963(a)(4), Substantial Hardship Criteria;
    - Section 50965(d)(e), Voluntary Post-Death Lien, monthly amount based on ability to pay and full payment due on sale of property;
  3. Respondent **JESSE R. TUBBS** submits that the exhibits attached hereto are sufficient information for the Court to take judicial notice of the documents and contents to the extent allowed by law.

***~Please see additional page~***

**Declaration of Leonard Deal states all of the items attached to the request to take judicial notice are true and accurate copies of the documents represented;** he obtained the 8/27/2014 grant of hardship from Respondent Jesse R. Tubbs; he obtained all items represented as California Code of Regulations from the Westlaw Next California Code of Regulations website.

**Response of JESSE R. TUBBS to ABRAHAM ISAAK TUBBS, JR., to First Amended Petition for Settlement of First and Final Account, etc., filed on 6/19/2015 states:**

- Jesse Tubbs, a widower, responds and objects to the Petitioner's First Amended Petition, and repeats the relevant portions of Respondents 4/17/2015 Response to the original petition to avoid the need for referral back to the 4/17/2015 response;
- Summary of Response, Objections, and Proposed Lien: Petitioner and Jesse are the only two children and therefore the only two heirs of the intestate Decedent Julia Tubbs and her late husband, Abraham Tubbs; the objections and contentions involve the Department of Health Care Services liens on the residence on West San Joaquin Street in Fresno; the contentions also relate to the form of the proposed lien, not the need for a lien for securing payment of the Court filing fee, compensation, and costs;
- Respondent Jesse Tubbs denies that the **\$4,616.73** was deposited for Petitioner's benefit; and also denies that the small baby ring or the children's bracelets belonged to Petitioner; in the interest of resolving this case, Respondent does not object to the accounting; Respondent does not object to the requested attorney fee for ordinary services, administrator commission, advanced costs, or statement of unpaid court filing fees; Respondent takes no position on the request for extraordinary attorney fee;
- Respondent Jesse Tubbs consents to the proposed distribution of the man's gold wedding band and the woman's wedding ring;
- Respondent Jesse Tubbs will consent to the distribution of the residence to Petitioner Abraham Isaak Tubbs, Jr., and Jesse R. Tubbs, as tenants in common, each as to an undivided 50% interest, with Respondent's consent conditioned upon allocation and statement of the liens proposed in the form set forth by Respondent herein;
- Respondent Jesse Tubbs consents to a voluntary post death lien in favor of the State of California Department of Health Care Services in the amount of **\$11,500.00** against his undivided **50%** interest in the form set forth herein;
- Respondent Jesse Tubbs objects to the form of distribution as proposed by Petitioner as failing to adequately state the interests of the distributees in substance and form;
- History of Residence and Occupancy: Jesse Tubbs resided in the residence from the purchase in 1973 at his age 10 until leaving for college; Jesse returned to the residence in June 1997 after a disability discharge from the U.S. Army as the result of an injury; Jesse has resided in the property since 1997 continuously to the present time;
- Jesse Tubbs has paid all of the property taxes, insurance, and maintenance on the residence since the death of Julia M. Tubbs in December 2011; before and after the death of Abraham Tubbs on 5/6/2001, Jesse Tubbs has paid a portion of and sometimes all of taxes, insurance, and maintenance; No residence would still exist if Jesse Tubbs had not paid the taxes, insurance, maintenance and other expenses; Abraham Tubbs Jr. has not ever paid any of the taxes, insurance, maintenance and other expenses of the residence;
- Out of failure to understand the need for a creditor's claim, Respondent Jesse Tubbs missed the deadline to file a creditor's claim for reimbursement of expenses paid for the residence;
- Jesse Tubbs did not agree to the demand by the administrator's attorneys to vacate the premises for the practical reason that living in the property and paying expenses preserved the property; no legal basis existed for a demand to pay rent;

**~Please see additional page~**

**Dept. 303, 9:00 a.m. Tuesday, August 11, 2015**

**Response of JESSE R. TUBBS filed 6/19/2015, continued:**

- The result of complying with the demands would have been the loss of the benefit of the waiver by the Department of Health Care Services, generation of additional attorney fee and administrator commission, and would have missed the opportunity to use the hardship waiver granted by the Department of Health Care Services;
- Department of Health Care Services Waiver of Proportionate Share of Claim as to Jesse R. Tubbs: Respondent Jesse Tubbs applied for waivers of his proportionate share of the Department of Health Care Services claims against the estates of his father Abraham Tubbs and his mother Julia Tubbs (Decedent); the waiver was granted to Jesse Tubbs as to the estate of Julia Tubbs (copy attached);
- The waiver was denied to Respondent Jesse Tubbs as to the estate of Abraham Tubbs; the 4/30/201 letter of Attorney Joy Docktor (copy at Exhibit A), notes that Respondent Jesse Tubbs did not pursue the appeal through Central California Legal Services; Respondent nonetheless appealed the administrative denial, and the appeal was denied after the hearing;
- Respondent Jesse Tubbs alleges that under the law and regulations, the distribution by this Court needs to reflect the grant of the waiver to Respondent Jesse Tubbs as to the Department of Health Care Services claim against Julia Tubbs;
- Respondent Jesse Tubbs further alleges that under the regulations the amount that the Department of Health Care Services will require Jesse Tubbs to pay based on his income and expenses will differ from the amounts that Abraham Tubbs will be required to pay;
- Respondent Jesse Tubbs alleges that the full amount of both Department of Health Care Services claims at the appraised value of the Decedent's estate would be **\$45,000.00**; Respondent Jesse Tubbs alleges that prior to the 4/27/2015 hearing in this Court the amount of the Department of Health Care Services asserted line was **\$22,500.00**; since that hearing the Department of Health Care Services has raised the total claim to **\$33,750.00**, an additional **\$11,250.00**;
- Respondent Jesse Tubbs alleges that the additional **\$11,250.00** in the Department of Health Care Services claim is ½ of the **\$22,500.00** relating to the Estate of Julia Tubbs;
- The attached copy of the letter from Joy Docktor, Central California Legal Services, to Respondent Jesse Tubbs analyzing the Department of Health Care Services lien, and concluding that the waiver granted to Respondent reduced his proportional share of the total claim to **\$11,250.00**;
- Respondent alleges that that ½ interest of Abraham Tubbs Jr. in the residence would be subject to a proportionate share claim of **\$22,500.00**;
- Corrections Needed to Distribution Paragraphs: Respondent alleges the lien for reimbursement to the Department of Health Care Services does not reflect the granting of the waiver to Respondent Jesse Tubbs and deprives Respondent of the waiver, contrary to law; the proposed lien does not reflect that Abraham Tubbs Jr. and Respondent Jesse Tubbs may be required to make different monthly payments to the Department of Health Care Services;

**Respondent Jesse Tubbs requests that the Court order that** Petitioner Abraham Tubbs Jr. is required to submit to the Court and Respondent's review an order for distribution in *[the form stated on Pages 8 to 12 of Response; omitted here.]*

**Respondent Jesse R. Tubbs Points and Authorities in Support of Response and Objections to First Amended Petition for Settlement**, etc., was filed on 6/25/2015, with proof of service to Attorney Burnside and Department of Health.

**Memorandum of Points and Authorities in Reply** to Jesse Tubbs' Response, etc.; and **Request for Judicial Notice in Support of Reply** to Jesse Tubbs' Response, etc., were filed 6/29/2015.

**Dept. 303, 9:00 a.m. Tuesday, August 11, 2015**

Attorney Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)  
 Attorney Deal, Leonard E., (for Objector Jesse R. Tubbs, son)

## Probate Status Hearing Re: Settlement

<b>DOD: 12/30/2011</b>		<b>ABRAHAM ISAAK TUBBS, JR.</b> , son and Administrator, filed the <i>First Amended (1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate</i> on 5/19/2015.  <b>Response of JESSE R. TUBBS</b> to ABRAHAM ISAAK TUBBS, JR., to First Amended Petition for Settlement of First and Final Account, etc., was filed on 6/19/2015.  <b>Minute Order dated 6/30/2015</b> from the First Amended Petition set a Status Hearing Re Settlement on 8/11/2015.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need current status report pursuant to Local Rule 7.5(B), which provides that in all matters set for Status Hearing, a verified Status Report must be filed no later than 10 days before the hearing; notice of the status hearing with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>	X		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>	X		
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 8/7/15 <b>Updates:</b> <b>Recommendation:</b> <b>File</b> 5B – Tubbs	

5B

Petitioner: McKenna E. Frasch (Pro Per Petitioner, mother)  
 Guardian: Fries, Laurie (Pro Per Guardian, paternal grandmother)

## Petition for Visitation

		<b>McKENNA E. FRASCH</b> , mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>Continued from 7/7/2015.</u></b> Minute Order states the Court finds that service is defective and is not accepting any of the proofs of service filed thus far for this petition. [Note: Service defects have now been cured.]
		<b>LAURIE FRIES</b> , paternal grandmother, was appointed Guardian on 9/18/2014.	
		<b>~Please see Petition for details~</b>	
Cont. from 060215, 070715		<b>Declaration filed by Petitioner McKENNA E. FRASCH on 4/27/2015.</b>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 8/7/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 6 - Fries</b>



			<b>Temporary Expires 8/11/15</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 7/7/15. Minute order states Ms. Aguilar is to have the declaration she filed properly served by 7/10/15, and any responses are to be filed and served by 7/17/15. As of 8/6/15 there is no proof of service filed for the declaration of Ilda Aguilar filed on 7/2/15 or on the most recent declaration of Ilda Aguilar filed on 7/30/15.
			ILDA AGUILAR, maternal grandmother, is petitioner.		
			Please see petition for details.		
Cont. from 120914, 020315, 031715, 042815, 060915, 070715			Court Investigator Report filed on 12/2/14.		
			Objection of father, Gabriel Garza, filed on 4/7/15.		
	Aff.Sub.Wit.		Declaration of Petitioner Ilda Aguilar filed on 5/5/15.		
✓	Verified		Declaration filed 7/2/15.		
	Inventory		Declaration of Petitioner Ilda Aguilar filed on 7/30/15.		
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W/			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	W/			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
✓	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
					Reviewed by: KT
					Reviewed on: 8/6/15
					Updates:
					Recommendation:
					File 7 - Garza

Petitioner Gilbert R. Chavez Jr. (Pro Per – Step-Father – Petitioner)  
 Petitioner Amy Nicole Chavez (Pro Per – Wife of Step-Father – Petitioner)  
 Attorney Johns, Dallas (for Vanessa Vasquez – Mother)  
 Petition for Appointment of Guardian of the Person (Prob. Code §1510)

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			<p><u>Note:</u> The Court requested proof of dental treatment for the minor. For the status hearing on 7/14/15, Petitioner filed a declaration stating that dental treatment was not obtained due to insurance ineligibility. Ms. Johns represented that she is working with the mother and Petitioners to get the dental treatment for the minor.</p>
	Aff.Sub.Wit.		<p>1. Need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on:          - Vanessa M. Vasquez (Mother)</p>
✓	Verified		
	Inventory		<p>2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:          - Roald Berry Sr. (Paternal Grandfather)          - Unknown Maternal Grandfather          - Tammy Kelton (Maternal Grandmother)</p>
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 8/4/15
✓	UCCJEA		Updates: 8/5/15
	Citation		Recommendation:
	FTB Notice		File 8A - Vasquez

**9A Kenneth Harold Moore (Estate)****Case No. 15CEPR00081**

Attorney: Jeffrey B. Pape (for Petitioner Harold Rick Moore, son)

Attorney: Steven P. Braccini; Brian Wilson, of Palo Alto (for Respondent Kenneth Randolph Moore, son)

Attorney: Mark S. Poochigian (also for Respondent Kenneth Randolph Moore, son)

Attorney: Gary G. Bagdasarian (for Richard E. Huber, Special Administrator)

**Petition for Probate of Lost Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 7/14/2014</b>		<b>HAROLD RICK MOORE</b> , son, and second named Executor without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 051415, 061615</b>		Full IAEA — OK	<u>Page 9B</u> is the <i>Status Hearing Re Bond</i> to be filed by the Special Administrator.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<input type="checkbox"/> S/ <input type="checkbox"/> P	<u>Page 10</u> is the related <i>Moore Family Trust</i> , 15CEPR00111.
<input checked="" type="checkbox"/>	<b>Verified</b>		<u>Continued from 6/16/2015.</u> Minute Order states Counsel advises that they are in discussions, and filed a stipulation yesterday agreeing to appointment of Richard Huber as Special Administrator with General Powers per Probate Code § 8545. It is so ordered by the Court; bond is set at <b>\$25,000.00</b> .
<input type="checkbox"/>	<b>Inventory</b>		<ol style="list-style-type: none"> <li>Probate Code § 8223 provides a petition for probate of a lost or destroyed will shall include a written statement of the testamentary words or their substance, and that if the will is proved, the provisions of the will shall be set forth in the order admitting the will to probate. Pursuant to Probate Code § 8223, need revised proposed order containing the provisions of the lost Will.</li> </ol>
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<input type="checkbox"/> W <input type="checkbox"/> /	
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		<p><b>Estimated value of the Estate:</b> Personal property - <b>\$300,000.00</b></p> <p><b>Total</b> <b>\$300,000.00</b></p> <p>Probate Referee: <b>Rick Smith</b></p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>Decedent's pour over Will conveyed assets to the <b>MOORE FAMILY TRUST dated 4/10/2001</b>, which provided that Decedent's assets were to be distributed in 5 equal shares to Decedent's children;</li> <li>After Decedent's stroke in 2011, the Will and the <b>MOORE FAMILY TRUST</b> were in physical possession of Decedent's son, <b>KENNETH RANDOLPH (RANDY) MOORE</b>, who was named executor;</li> </ul> <p><i>~Please see additional page~</i></p>
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		<p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p> <p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 8/7/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9A – Moore</b></p>

**Dept. 303, 9:00 a.m. Tuesday, August 11, 2015**

**Petitioner states, continued:**

- Randy then caused to be created and presented to his incapacitated father (Decedent) an irrevocable trust entitled the "**KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011**" which was intended to alter the disposition of the Decedent's assets by excluding all of Decedent's children and leaving the entirety of the estate to Randy;
- Randy has filed a lawsuit in Santa Clara County in an effort to obtain possession of all of Decedent's assets;
- Randy is disqualified to act as executor of the estate under Probate Code § 8502(d) and (e);
- As the named executor has already filed a lawsuit claiming that all of the assets of Decedent belong to the **KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011** rather than being poured over into the **MOORE FAMILY TRUST dated 4/10/2001**, he cannot possibly protect the probate estate, the beneficiaries of the probate estate, and the **MOORE FAMILY TRUST**;
- The conflict goes to the very heart of his ability to act as a fiduciary; as such, the second named executor Petitioner **HAROLD RICK MOORE (Rick)** should be named as the executor.

***Response to Petition for Probate of Will and for Letters Testamentary filed by KENNETH RANDOLPH MOORE on 5/12/2015 states:***

- There is simply no need to open a probate regarding the Decedent's estate because Decedent died with a trust to which the Decedent manifested his intent to transfer his assets;
- Decedent's Trust is the subject of 3 pending matters (2 in Santa Clara: a Heggstad Petition filed by Respondent and a Petition to invalidate Trust as restated in 2011 filed by Petitioner and his sisters; and 1 in Fresno 15CEPR00111);
- Respondent asserts that the **KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011** ("2011 Trust") contains the operative terms of the trust, whereas Petitioner alleges that the **MOORE FAMILY TRUST dated 4/10/2001** ("2001 Trust") contains the operative terms of the trust;
- While this dispute is litigated, opening a probate is unnecessary because there are no assets that need management by a personal representative due to the fact that Respondent, as Trustee, is the Decedent's successor-in-interest; there is no need to open a probate in this matter, or to appoint a Special Administrator pending adjudication of this petition, at least not until the other matters regarding the Trust are adjudicated;
- Even assuming a probate should be opened now, Respondent is nominated as executor under the 2011 Will, so he should be appointed executor;
- Respondent is not disqualified from being appointed, as Decedent knew of any purported conflict in Respondents' appointment and acquiesced;
- **Respondent respectfully requests this Court issue an order either (1) denying this petition without prejudice, or (2) staying or abating this action until the other matters regarding the Trust are adjudicated;**
- *[Please refer to pages 3 to 6 for complete Response];*
- **To the extent the Court is inclined to do anything other than summarily deny this Petition or issue an order abating or staying this action, Respondent respectfully requests an evidentiary hearing to proffer documentary and testimonial evidence upon direct and cross-examination to refute the allegations.**

*~Please see additional page~*

**Declaration of Jeffrey B. Pape filed 5/13/2015** details a number of incidents over the years which bear on the fitness of **KENNETH RANDOLPH MOORE** to serve in a representative capacity in this matter; supporting documentation attached as Exhibits A through E; states in brief sum:

- On 11/24/1998, Moore was suspended from the practice of law by the CA Supreme Court, reported in State Bar Court Case No. 96-O-00625 (copy attached as Exhibit A); [Note: Respondent is on *inactive* status with the CA State Bar as of 3/11/2015; his record shows disciplinary action with actual suspension dated 12/24/1998, at which time he was not eligible to practice law, and he went back on active status effective 3/3/1999 until 3/2015];
- Moore procured a CA Uniform Statutory Form Power of Attorney from Decedent shortly after his massive stroke in January 2011 (copy attached as Exhibit B); Moore produced accountings as Decedent's agent as part of Moore's Santa Clara case, which disclose a number of actions evidencing fiduciary misconduct, including improper gifts of **\$49,000.00** not authorized by the power of attorney; improper self-dealing and unauthorized loans of **\$75,000.00** to himself, and **\$37,586.84** for a marital settlement agreement; questionable professional fees to himself of **\$67,478.50**; rent paid to Moore of **\$251,726.55**; (copy attached as Exhibit C);
- This evidence belies the idea that Moore can properly serve in a representative capacity; a special administrator will need to take legal steps to preserve the estate's claims against Moore, who cannot defend himself if this matter as he will be the defendant;
- After Decedent's second massive stroke, Moore drafted, presented, and procured from Decedent while Decedent was bedridden a trust in April 2011; the 2011 Trust purportedly disinherits the Decedent's four other children in contravention of long-standing estate planning plans distributing the Decedent's estate pro rata among his children; as a result, Moore has filed in Santa Clara Superior Court a Petition for Order Determining Title to Property, seeking to establish his ownership of 3 valuable lawsuits [titles omitted]: 1 suit in the US District Court, Western Division of Louisiana; and 2 suits in the Court of Chancery in the State of Delaware; in one of the suits, Moore falsely claimed he was the real party in interest, not Decedent, apparently to receive benefits of the cell tower litigation;
- Attached as Exhibit E is a letter dated **5/12/2015** from **MICHAEL A. PULLARA**, attorney on behalf of Decedent in the 3 lawsuits, who requests the immediate appointment of a person with authority to act on Decedent's interests;
- Declarant believes Moore is currently in default and violation of support order to his ill former spouse, **SHEILA THOMAS**, claiming that he is "broke" [Please refer to Declaration of **SHEILA THOMAS** filed 5/13/2015];
- While **RONALD DEAN MOORE** is also listed in Decedent's Will as a nominee to act as executor, for a number of years he has acted as a plaintiff in the myriad of ADA lawsuits filed by Moore and his firm, thus Ronald Moore has an irreconcilable financial interest with Moore which calls into question his ability to act neutrally.

**Declaration of SHEILA THOMAS filed 5/13/2015** states she is the former spouse of Kenneth Randolph Moore, they were married on 12/27/1975, and on 11/6/2000 she filed a petition for the dissolution of their marriage in Santa Clara Superior Court [case number omitted]; on 11/6/2000, they entered into a Marital Settlement Agreement which includes an award of Spousal Support whereby Kenneth Randolph Moore is to pay her \$2,800.00 per month spousal support commencing 8/1/2001; they signed an addendum on 9/27/2001 whereby he was to maintain health coverage for her (copy of court-approved judgment entered 11/5/2001 attached as Exhibit A); when alimony was not received for April 2015, she attempted to contact Kenneth Randolph Moore, was unable to reach him, but reached his current spouse and his attorney, **TANYA MOORE**, who stated he was very ill and broke, and that his only source of income is social security and therefore he could not make alimony payments or health care premiums.

Attorney: Jeffrey B. Pape (for Petitioner Harold Rick Moore, son)

Attorney: Steven P. Braccini; Brian Wilson, of Palo Alto (for Respondent Kenneth Randolph Moore, son)

Attorney: Mark S. Poochigian (also for Respondent Kenneth Randolph Moore, son)

## Probate Status Hearing Re: Proof of Bond

<b>DOD: 7/14/2014</b>	<b>RICHARD E. HUBER</b> , licensed professional fiduciary, was appointed as Special Administrator pursuant to Stipulation Regarding Petition for Letters of Special Administration filed 6/16/2015, and pursuant to Court's <i>Minute Order</i> of 6/16/2015.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of <b>\$25,000.00</b> bond to be filed with the Court by Richard E. Huber.
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>Bond</b>	X	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 8/7/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9B – Moore</b>

Attorney: Jeffrey B. Pape (for Petitioner Harold Rick Moore, son)

Attorney: Steven P. Braccini; Brian Wilson, of Palo Alto (for Respondent Kenneth Randolph Moore, son)

Attorney: Mark S. Poochigian (also for Respondent Kenneth Randolph Moore, son)

Petition to Determine Existence of Trust, for Appointment of Harold Rick Moore as Trustee, for Imposition of Constructive Trust, to Enforce No Contest Clause, for Damages and for Attorneys' Fees and Costs

<b>DOD: 7/14/2014</b>	<b>HAROLD RICK MOORE</b> , son and remainder beneficiary, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b>Page 9</b> is the related <i>Estate of Kenneth Harold Moore</i> , 15CEPR00081.
<b>Cont. from 031715, 051415, 061615</b>			<b>Continued from 6/16/2015</b> to meet up with the Estate matter.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			<b>Note: Status Hearing Report filed 8/3/2015</b> by Attorney Pape for Harold Rick Moore states, in most pertinent part, that:
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			<ul style="list-style-type: none"> <li>There are two probate proceedings pending in this Court and two probate proceedings pending in Santa Clara Superior Court [described in detail on Pages 1 and 2 of Report];</li> <li>Harold Rick Moore, Robin Wilson, and Sheila Renee Shaw have filed Petitions to Change Venue of the Santa Clara actions to Fresno County, and the matters were continued to <b>8/3/2015</b>, [thus at the filing of this Report] there has been no determination of whether the actions will be moved to Fresno County;</li> <li>The parties have agreed to mediation, which is to take place on <b>9/25/2015</b>.</li> </ul>
<input checked="" type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			<b>Reviewed by:</b> LEG
<input checked="" type="checkbox"/> <b>Aff.Mail</b>			
<input type="checkbox"/> <b>Aff.Pub.</b>			<b>Reviewed on:</b> 8/10/15
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			<b>Updates:</b>
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>			<b>Recommendation:</b>
<input type="checkbox"/> <b>Duties/Supp</b>			
<input checked="" type="checkbox"/> <b>Objections</b>			<b>File 10 – Moore</b>
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input type="checkbox"/> <b>Order</b>	X		
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

**Petitioner states, continued:**

- While Decedent was in hospital during the first part of 2011, the first successor trustee, Respondent Kenneth Randolph Moore (Randy) asked his sister in law, **PAULA MOORE**, to provide him with the original estate planning documents, which she procured and delivered to Respondent;
- On 4/7/2011, Respondent presented Decedent with a new trust, the **KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011 (2011 TRUST)**, which devised all of the trust property to Respondent;
- Petitioner has filed a petition in Santa Clara County Superior Court, where the **2011 TRUST** is administered, seeking to have the **2011 TRUST** invalidated on the following grounds: Decedent lacked capacity to execute the trust; trust was procured by undue influence of Respondent; trust was executed by mistake; and trust was procured by fraud of Respondent; petition is currently pending;
- In verified pleadings in the Santa Clara proceeding, Respondent seeks to establish by Heggstad Petition that properties owned by Decedent individually and/or in the **2001 TRUST** are assets of the **2011 TRUST**;
- Respondent has made statements under oath *[please refer to page 4, lines 3 – 21]* that Respondent believes that the Settlor revoked the 2011 Trust as it was not in Settlor's possession during his life or after his death; Respondent has persisted in his denial that he has the original 2001 trust documents and pour over Will in his possession, despite the fact that these instruments were personally delivered to Respondent by Paula Moore in or around the first part of 2011;
- Schedule A to the **2001 TRUST** identified certain real and personal property transferred into the trust *[Please refer to page 5 – 6 for list of real and personal property Decedent transferred into the trust]*; he later transferred additional assets into the trust; upon his demise, Decedent's pour-over Will transferred all of his personal assets into the trust;
- **2001 TRUST** holds interest in 2 cell phone tower partnerships, which Respondent attempted to retitle into his own name individually; Respondent executed 2 promissory notes to Decedent which were assigned to the **2001 TRUST**: (1) **\$445,000.00** executed 2/1/1993, became due 2/1/2013; (2) **\$404,250.00** executed 4/1/1997, became due 4/1/2002; *(copies of assignment, notes, and Deeds of Trust attached as Exhibits C, D and E)*; Petitioner believes Respondent will contend that he paid these obligations, which is disputed by Petitioner; Decedent at no time released his Deeds of Trust in Respondent's properties which secured the obligations.

*Please refer to pages 6 to 11 for Petitioner's complete arguments for the following:*

- **Petition to Determine Existence of Trust:** Petitioner contends that the **MOORE FAMILY TRUST dated 4/10/2001** is valid and existing and of which he is a beneficiary, while Respondent contends it has been revoked; Petitioner is unaware of any writing conforming with Probate Code 15401 for revoking the 2001 Trust; therefore, it remains valid and a declaration of the trust's validity is necessary to determine the rights and obligations of the parties.
- **Petition to Appoint Harold Rick Moore as Trustee:** Respondent by his conduct has declined to act as successor trustee of the 2001 Trust and has taken the position under oath that it is no longer a valid trust and has been revoked; the 2001 Trust is in immediate need of administration; Respondent has conflicts of interest as the maker of promissory notes totaling \$849,250.00 owned by the 2001 Trust secured by deeds of trust in real property owned by Respondent; Respondent has taken possession and control of certain property as to which the 2001 Trust is the owner; Petitioner is the second named successor trustee of the 2001 Trust, he is willing and able to act as successor, and due to Respondent's declination and conflicts of interest, Petitioner should be appointed as successor trustee of the 2001 Trust; or as temporary trustee per § 17206.

**~Please see additional page~**



*Continued: Please refer to pages 6 to 11 for Petitioner's complete arguments for the following:*

- **Imposition of Constructive Trust:** Petitioner believes Respondent has taken title and/or possession of property belonging to the 2001 Trust, or belonging to Decedent individually that were subject to Decedent's pour over Will, and consequently Respondent holds title to the assets as constructive trustee for the benefits of the persons ultimately entitled to distribution of such assets.
- **Petition to Enforce No Contest Clause:** Decedent's Will contains a no contest clause; the 2001 Trust is part of an identifiable class of instruments governed by the no contest clause in Decedent's Will; Respondent's allegations that the 2001 Trust has been revoked and that the 2011 Trust supersedes the 2001 Trust is a direct contest without probable cause; Petitioner contends that the gifts to Respondent under the 2001 Trust have been forfeited under the no contest clause except for the payment of **\$1.00** as the gift to Respondent.
- **Damages / Attorney Fees and Costs:** Respondent has taken possession and/or exercised control over property owned by Decedent at the time of his death or which belongs to the 2001 Trust; Respondent's conduct has caused damages to the 2001 Trust; Respondent has in bad faith wrongfully taken, concealed or disposed of property belonging to the Decedent at the time of his death or belonging to the 2001 Trust, or has wrongfully taken such property by the use of undue influence over Decedent; pursuant to Probate Code § 859, Respondent is liable for twice the value of any property recovered by Decedent's estate or the 2001 Trust, plus an award of attorney fees and costs, which Petitioner has incurred and will continue to incur in the present action; if Petitioner prevails, Petitioner will have created a common fund consisting of a pool of assets which will pass to Decedent's beneficiaries as determined by the Court; Petitioner alleges that by proving that gifts to Respondent under the 2001 Trust have been forfeited under the no contest clause, Petitioner should be entitled as a matter of equity to an award of attorney fees and costs to be paid out of the common fund consisting of the pool of forfeited assets.

**Petitioner requests the Court issue an order:**

1. Declaring that the **MOORE FAMILY TRUST dated 4/10/2001** is a valid and existing trust;
2. Appointing Petitioner Harold Rick Moore to serve as trustee of the **MOORE FAMILY TRUST dated 4/10/2001**, without bond;
3. In the alternative, appointing Harold Rick Moore as temporary trustee of the **MOORE FAMILY TRUST dated 4/10/2001**, without bond;
4. Declaring that Respondent holds as constructive trustee for the benefit of Petitioner all of Decedent's tangible personal property in his possession, including (a) all property located at Decedent's residence; (b) the proceeds of any of Decedent's personal effects sold or disposed of by Respondents and any assets traceable to those proceeds; and (c) any distributions of any trust assets previously made to Respondent and any assets traceable to any such distributions;
5. Declaring that Respondent has violated the no contest clause of the **MOORE FAMILY TRUST dated 4/10/2001** and thereby has forfeited all interests in the residue of the trust save \$1.00 and any other trust property to which Respondent otherwise would have been entitled;
6. For actual damages according to proof;
7. For double damages pursuant to Probate Code § 859;
8. For punitive damages; and
9. For reasonable attorney fees and costs to be paid to Petitioner out of the pool of assets consisting of the forfeited gifts, under the common fund doctrine according to proof.

**~Please see additional page~**

**Objection to Petition to Determine Existence of Trust, for Appointment of Harold Rick Moore as Trustee, for Imposition of Constructive Trust, to Enforce No Contest Clause, for Damages and for Attorneys' Fees and Costs filed by Respondent KENNETH RANDOLPH MOORE on 5/11/2015 states:**

- Respondent objects to the petition, which was filed after an action was already filed and being litigated in Santa Clara County Superior Court involving the same parties and arising out of the same subject matter (the 2011 Trust) *[emphasis in original]*;
- Accordingly, in order to preserve judicial resources, to avoid duplicative litigation, and to avoid the possibility of inconsistent judgments, Respondent respectfully requests this Court issue an order abating or staying this action until judgments have been entered in the previously filed action in Santa Clara;
- *[Please refer to pages 2 – 6 for admissions and denials; Respondent states he is not acting in his capacity as an attorney in this matter and cannot admit or deny accuracy of legal conclusions in specified paragraphs, and on that basis denies those allegations];*
- Respondent asserts that the **MOORE FAMILY TRUST dated 4/10/2001** was superseded by the **KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011**; and alleges that the *[specified]* assets should be transferred to the 2011 Trust because the assets are referenced in the Schedule A of the 2011 Trust, which supersedes the 2001 Trust;
- Respondent denies that he attempted to retitle the cell phone tower limited partnerships into his own name as Petitioner alleges; Respondent asserts that the promissory notes of **\$445,000.00** and **\$404,250.00** have been paid in full;
- Respondent notes that the Decedent revoked the 2001 Trust in writing signed by Decedent and delivered to the then-acting trustee;
- *[Please refer to pages 7 – 8 for affirmative defenses, including unclean hands; waiver; estoppel; laches; failure to state a cause of action; statutes of limitation; abatement or stay];*
- **To the extent the Court is inclined to do anything other than summarily deny this Petition or issue an order abating or staying this action, Respondent respectfully requests an evidentiary hearing to proffer documentary and testimonial evidence upon direct and cross-examination to refute the allegations.**

**Supporting Memorandum attached to Objection, argues** *[citations omitted, in sum]:*

- This action should be abated or stayed until judgments in the previously filed actions in Santa Clara County are entered;
- Santa Clara County is the proper venue for this matter anyway, where it is undisputed that Respondent is administering the trust;
- Stay/Abatement should be entered until judgment has been entered in Santa Clara; alternatively, a briefing schedule is provided by Respondent, proposing hearing dates for Court's convenience.

**Respondent prays that:**

1. The Court issue an order abating or staying this action until the actions filed in Santa Clara County Superior Court have reached a final resolution; or in the alternative
2. The Court deny the Petition in its entirety and with prejudice; and
3. Petitioner take nothing by way of the Petition.

**First Amended Petition for Letters of Administration; Authorization to Administer Under the IAEA (Prob. C. 8002)**

<b>DOD: 9/21/2014</b>			<b>JEANETTE GALLETTO LAO</b> , daughter, is Petitioner and requests appointment as Administrator with Full IAEA Authority without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need mandatory-use Waiver of Bond by Heir or Beneficiary form (Judicial Council DE-111 (A-d3) signed by the 2 heirs of Decedent to be filed with the Court. <b>(Note:</b> Attachment 3(d)(3) Waiver of Bond attached to the First Amended Petition is insufficient.)	
<b>Cont. from 042315</b>					
	<b>Aff.Sub.Wit.</b>				Full IAEA — O.K.
✓	<b>Verified</b>				
	<b>Inventory</b>				Decedent died intestate.
	<b>PTC</b>				
	<b>Not.Cred.</b>				
✓	<b>Notice of Hrg</b>		Residence — Fresno Publication — Business Journal		
✓	<b>Aff.Mail</b>	W/			
✓	<b>Aff.Pub.</b>		<b>Estimated value of the Estate:</b> Personal property - \$ 47,000.00 Real property - \$135,000.00		
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>				
	<b>Conf. Screen</b>		<b>Total</b> - \$182,000.00		
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>		Probate Referee: <b>Rick Smith</b>		
	<b>Objections</b>				
	<b>Video Receipt</b>				
	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				

Attorney Winter, Gary (for Velia Juarez, Velia – Daughter – Petitioner)

First Amended Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 12/28/14</b>		<b>VELIA JUAREZ</b> , Daughter and named Executor without bond, is Petitioner and requests appointment as Administrator with Will Annexed with Full IAEA without bond.  Full IAEA – need re-publication  Will dated 8/20/91  Residence: Del Rey, CA Publication: Need re-publication  Estimated value of estate: Real property: \$300,000.00  Probate Referee: Rick Smith  <b>Petitioner states she does not have the original will.</b> A Proof of Subscribing Witness was filed 5/13/15 by Sal Blanco, who witnessed the signing of the will as well as prepared the will. A copy of the will is attached.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>OFF CALENDAR</b></u>  <b>Second Amended petition filed 8/6/15 is set for hearing on 9/17/15.</b>  1. Petitioner states she does not have the original will, but does not state why, and does not address the presumption under Probate Code §6124 that the testator destroyed the will with intent to revoke if original not found. Proof of Subscribing Witness relates to the original signing only and does not address this presumption. Need further information.  2. Need publication pursuant to Probate Code §8120. <u>Note</u> : Publication filed 4/17/15 in connection with the prior petition is not adequate since this is an amended petition that was given a new hearing date.  3. Petitioner requests appointment as “Administrator with Will Annexed;” however, if the lost will is admitted to probate, it appears Petitioner would more appropriately be appointed as Executor, since she is named Executor in the will.  4. If granted, need order pursuant to Probate Code §8223, complete with terms of will.	
<b>Cont. from 070715</b>				
✓	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			w
	<b>Aff.Pub.</b>			x
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
<b>Reviewed by:</b> skc <b>Reviewed on:</b> 8/5/15 <b>Updates:</b> 8/6/15 <b>Recommendation:</b> <b>File 12 - Juarez</b>				

Attorney Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)

Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment

<b>Virginia L. Duggan</b> <b>DOD: 4/17/12</b>		<b>MARK DUGGAN</b> , Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 5/5/15:</u> <b>Mr. Tomassian requests a continuance for discussions.</b>  <b>Update:</b> On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15.  <b>Note:</b> Neither the stipulation nor the order addresses this petition or continued hearing so it appears it would remain on calendar unless a request for dismissal is received.  <b>The following issues remain noted:</b>  1. The Court may require notice to Therese Tiab, the second named successor trustee, pursuant to Probate Code §17203.  2. Need proposed order pursuant to Local Rule 7.1.1.F.
<b>Cont. from 050515, 070715</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	x	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Petitioner seeks findings and orders to compel an accounting and provide information on the Trust B, confirm the creation and funding of Trust B, and that a trust amendment dated 6/29/12 (after the death of Settlor Virginia L. Duggan) applies only to Trust A.

Petitioner states Daniel and Virginia, husband and wife, executed the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust on 5/31/11. Virginia is Petitioner's mother. Daniel is Petitioner's adopted father. The trust provides that if either co-trustee should resign, become incapacitated, or die then the surviving trustee would become the sole trustee. Further, the trust provides that upon the death of one of the trustors, the trust was to be split into revocable Trust A and irrevocable Trust B, which was designated to hold the portion of the trust estate not allocated to revocable Trust A, portions from revocable trust A added upon the death of the surviving trustor, and other additions.

Virginia passed away 4/17/12. Over a year has passed since Virginia's death and Mark still has not received any information on his beneficial share of Trust B. Mark sent Daniel emails and letters requesting information and accounting, which went unanswered for some time. On 8/8/14, by and through his attorneys, Mark sent a letter to Daniel's attorney requesting, among other things, copies of the trust, amendments, and a full, complete, and accurate accounting that complies with Probate Code §§ 16063 and 1060 from 4/17/12 to the present date. The letter also stated that Mark agreed to Daniel's proposed allocation of real properties to Trust B.

**SEE ADDITIONAL PAGES**

**Petitioner states (Cont'd):** Mark requested that Daniel record the deeds of the assets allocated to reflect that the assets were a part of Trust B and execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note. Properties include:

1. 6022 North Marty Ave., APN 106-362-06S
2. 1697 East Los Altos, APN 408-253-13
3. 6750 North Millbrook, APN 408-281-07
4. 2020 South Mary, APNs 468-341-03 and 04
5. 2003-2009 South Sarah, APNs 468-341-14 and 18

On 8/12/14, counsel for Daniel sent a letter that stated he would forward the request to Daniel and provide information as requested. On 8/15/14, Counsel for Daniel mailed the Notification by Trustee pursuant to Probate Code § 16061.7 and a copy of the Trust to Mark. The Notification indicated that the trust was amended on 6/29/12, after Virginia's death. Mark did not receive the amendment or the accounting requested.

Again, on 8/26/14, Mark's counsel wrote a letter requesting the trust documents that Daniel had failed to provide and again requested accounting. Daniel's counsel sent a letter that the accounting should be completed within about two weeks. Mark received a trust accounting for the period of 10/1/13 through 6/30/14, but the accounting did not conform to Probate Code § 16063.

To date, Daniel has not furnished accounting that complies with the probate code, or the trust amendments. Further, he has not provided a copy of the appraisal report for the values of the real property that were to be allocated to Trust B. Daniel has provided copies of the recorded deeds showing that the appropriate properties were allocated to Trust B except for 2020 South Mary and 2003-2009 South Sarah. Daniel has also not provided an executed promissory note for \$125,000.00 naming Trust B as the holder and Trust A as the maker of the note.

**Petitioner provides authority and prays for relief as follows:**

1. Finding that Trust B became irrevocable on 4/17/12;
2. Finding that the 6/29/12 amendment is not applicable to Trust B;
3. Finding that any amendment made after 4/17/12 is not applicable to Trust B;
4. Compelling the trustee to provide an accounting from 4/17/12 to present that complies with Probate Code § 16063;
5. Compelling the trustee to provide all amendments to the trust;
6. Confirming the transfer of the following properties to the trust:
  - 6022 North Marty Ave., APN 106-362-06S
  - 1697 East Los Altos, APN 408-253-13
  - 6750 North Millbrook, APN 408-281-07
7. Instructing the trustee to transfer the following properties to Trust B:
  - 2020 South Mary, APNs 468-341-03 and 04
  - 2003-2009 South Sarah, APNs 468-341-14 and 18
8. Instructing the trustee to execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note;
9. Approving the division of the trust into Trust A and Trust B;
10. For attorneys' fees and costs as permitted by law; and
11. For such other relief the court deems just and proper.

**Petition for Letters of Administration. Authorization to Administer under the  
Independent Administration of Estates Act**

<b>DOD: 3/1/13</b>	<b>ANDY MUIR</b> , son, is petitioner and requests appointment as Administrator without bond.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 7/1/15. As of 8/5/15 the following issues remain:</b>  1. Need Waiver of Bond from beneficiary, Lori Muir-Gutierrez, <u>or</u> Limited IAEA <u>or</u> bond set at \$320,000.00  2. Proposed personal representative is a resident of Washington. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.
	Full IAEA – o.k.		
<b>Cont. from 070115</b>	Decedent died intestate.		<p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Wednesday, September 16, 2015</b> at 9:00 a.m. in Department 303, for the filing of the bond, if required.</li> <li>• <b>Wednesday, January 20, 2016</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li>• <b>Wednesday, October 19, 2016</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Residence: Fresno Publication: Fresno Business Journal		
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>	<b><u>Estimated value of the estate:</u></b> Real property- \$320,000.00		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	<b>Probate Referee: Steven Diebert</b>	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 8/6/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14 - Muir</b></p>	
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

Petitioner

Smith, Hollistine (Pro Per – Paternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 6/30/15</u> states the Maternal Grandparents and siblings need to be served. As of 8/5/15, nothing further has been filed.  1. Need Notice of Hearing.  2. Need proof of service of Notice of Hearing with a copy of the temp petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Ernest Smith (Paternal Grandfather) - Edward Nutt (Maternal Grandfather) - Ann Nutt (Maternal Grandmother) - Siblings age 12 and older: Lelan Lee, Ryan Myles, Tayvynne Lee  3. The UCCJEA is incomplete. Need minor's residence history for the past five years (since birth).	
Cont from 051315, 052015, 063015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/5/15	
			Updates:	
			Recommendation:	
			File 15 - Smith	



Petition for Appointment of Guardian of the Person (Prob. Code §1510)

			See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 7/7/15</u> states this matter is continued for service to paternal grandfather Melvin Brown and the unnamed maternal grandparents. Ms. Brown (sic) is to inquire of Stephanie Wise as to her parents' names and whereabouts.</p> <p>As of 8/5/15, nothing further has been filed.</p> <p>1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for the paternal grandfather and maternal grandmother and grandfather.</p>
Cont. from 070715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/5/15	
			Updates:	
			Recommendation:	
			File 16 – Brown	

Petitioner Lomeli-Marashlian, Erica (Pro Per – Maternal Aunt – Petitioner)

Petitioner Salazar, Christopher Manuel (Pro Per – Brother – Petitioner)

## Petition for Appointment of Guardian of the Person (Prob. Code §1510)

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			<u>Minute Order 7/8/15</u> : The Court orders that there shall be no visits to either parent unless they appear before the court.
			1. Need Notice of Hearing.
			2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on:
			- Mario Herrera, II (Father)
			- Lisette Rosato (Mother, if diligence not found)
			3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on:
			- Paternal Grandfather
			- Paternal Grandmother
			- Maternal Grandfather
			- Maternal Grandmother
			Beverly Marashlian
			Reviewed by: skc
			Reviewed on: 8/5/15
			Updates:
			Recommendation:
			File 17 – Herrera

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

**18A Alissa Yanez, Jerimiah Yanez, Nicole Yanez, Case No. 15CEPR00589**  
**Ariana Yanez, Savannah Yanez, Justin Yanez, Isaiah Yanez (GUARD/P)**  
 Petitioner Yanez, John Ray, Jr. (Pro Per – Paternal Grandfather)

**Petition for Appointment of Guardian of the Person**

		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		JOHN RAY YANEZ, JR., paternal grandfather, is petitioner.		Note: Petition pertains only to Justin V. Yanez & Isaiah A. Yanez only.	
		<u>Please see petition for details</u>		Page 18B is a petition filed by paternal grandmother, Julia Pineda, for guardianship of Nicole, Ariana & Savannah. Page 18C is a petition filed by maternal grandmother, Susan Valdez, for guardianship of Alissa & Jerimiah.	
Cont. from				1. Need Notice of Hearing.	
	Aff.Sub.Wit.			2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
✓	Verified			<ul style="list-style-type: none"> <li>Justin Yanez (Father) – Unless the Court dispenses with notice.</li> </ul>	
	Inventory			Note: Declaration of Due Diligence filed 07/30/2015 states on 07/27/2015 a Facebook message was sent to Justin Yanez informing him to call the Cultural Broker's office.	
	PTC			<ul style="list-style-type: none"> <li>Priscilla Nicole Salas (Mother)</li> </ul>	
	Not.Cred.			Note: Although the mother, Priscilla Nicole Salas, nominated the petitioner by signing the GC-211, Mandatory Judicial Council Form entitled <i>Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice</i> , she only signed the portion nominating the petitioner. She did not sign the portion of the form waiving notice or consenting to the guardianship.	
	Notice of Hrg		x		
	Aff.Mail		n/a		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.		x		
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA			Reviewed by: LV	
	Citation			Reviewed on: 08/07/2015	
	FTB Notice			Updates:	
				Recommendation:	
				File 18A – Yanez	

**18A**

**18B Alissa Yanez, Jerimiah Yanez, Nicole Yanez, Case No. 15CEPR00589**  
**Ariana Yanez, Savannah Yanez, Justin Yanez, Isaiah Yanez (GUARD/P)**  
 Petitioner Pineda, Julia Maria (Pro Per – Paternal Grandmother)

**Petition for Appointment of Guardian of the Person**

		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		Julia Maria Pineda, paternal grandmother, is petitioner.		Note: Petition pertains only to Nicole S. Yanez, Ariana N. Yanez, & Savannah J. Yanez only.	
		<u>Please see petition for details</u>		Page 18A is a petition filed by paternal grandfather, John Yanez, for guardianship of Justin & Isaiah. Page 18C is a petition filed by maternal grandmother, Susan Valdez, for guardianship of Alissa & Jerimiah.	
Cont. from				3. Need Notice of Hearing.	
	Aff.Sub.Wit.			4. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
✓	Verified			<ul style="list-style-type: none"> <li>Justin Yanez (Father)</li> <li>Priscilla Nicole Salas (Mother)</li> </ul>	
	Inventory			<b>Note:</b> Although the mother, Priscilla Nicole Salas, nominated the petitioner by signing the GC-211, Mandatory Judicial Council Form entitled <i>Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice</i> , she only signed the portion nominating the petitioner. She did not sign the portion of the form waiving notice or consenting to the guardianship.	
	PTC				
	Not.Cred.				
	Notice of Hrg		X		
	Aff.Mail		n/a		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.		X		
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA			Reviewed by: LV	
	Citation			Reviewed on: 08/07/2015	
	FTB Notice			Updates:	
				Recommendation:	
				File 18B – Yanez	

**18C Alissa Yanez, Jerimiah Yanez, Nicole Yanez, Case No. 15CEPR00589**  
**Ariana Yanez, Savannah Yanez, Justin Yanez, Isaiah Yanez (GUARD/P)**  
 Petitioner Valdez, Susan A. (Pro Per – Maternal Grandmother)  
 Petition for Appointment of Guardian of the Person

		<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		SUSAN ANN VALDEZ, maternal grandmother, is petitioner.	<b>Note: Petition pertains only to Alissa D. Yanez &amp; Jerimiah J. Yanez only.</b>
		<b><u>Please see petition for details</u></b>	<b>Page 18A is a petition filed by paternal grandfather, John Yanez, for guardianship of Justin &amp; Isaiah. Page 18B is a petition filed by paternal grandmother, Julia Pineda, for guardianship of Nicole, Ariana &amp; Savannah.</b>
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	n/a	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<b>Reviewed by: LV</b>
			<b>Reviewed on: 08/07/2015</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 18C – Yanez</b>

**Petition for Appointment of Guardian of the Estate**

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> <li>• Tues, Sept. 29, 2015 for filing of receipt for blocked account</li> <li>• Tues, Jan. 12, 2016 for filing Inventory and Appraisal</li> <li>• Tues, Oct. 11, 2016 for filing the first account.</li> </ul> <p>If the proper items are on file prior to the status hearing dates per Local Rule 7.5, the status hearings may come off calendar.</p>
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/5/15	
			Updates:	
			Recommendation:	
			File 19 – In	

<b>DOD: 1/30/15</b>		<b>GARY TOMISAKA, DENNIS TOMISAKA, and EILEEN TOMISAKA</b> , adult children of decedent, are Petitioners.  40 days since DOD  No other proceedings  I&A: \$75,000.00 (real property located at 941 S. Riverview in Reedley)  Will dated 6/3/91 devises estate to Petitioners.  Declaration filed 8/6/15 states the original will has never been revoked, but was lost. The attorney who prepared the will has retired and Petitioners have been unable to contact him to find out where his client files are stored. The decedent's spouse died in 2000; therefore, intestate succession would be to the decedent's three children in equal shares, like the will.  Petitioners request court determination that the decedent's 100% interest in the real property in Reedley passes to them in 1/3 undivided interests each pursuant to the decedent's will.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			w
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<b>Reviewed by:</b> skc	
			<b>Reviewed on:</b> 8/5/15	
			<b>Updates:</b>	
			<b>Recommendation:</b> SUBMITTED	
			<b>File 20 - Tomisaka</b>	

<b>DOD: 4/17/15</b>		<b>JOSE D. HERNANDEZ</b> , Son, is Petitioner.  40 days since DOD  No other proceedings	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note: Amended petition may be necessary based on the following issues:</u>  1. Petition is incomplete at #9a(1). Was decedent survived by a spouse or no spouse? If no spouse, was decedent divorced or never married, or is the spouse deceased? If deceased, need spouse's date of death per Local Rule 7.1.1.D.  2. Petition is incomplete at #9a(3). Was decedent survived by issue of a predeceased child or no predeceased child?  3. Attachment 11 does not state the decedent's interest in the assets. Did the decedent own a 100% interest in the real property and bank account?  4. The petition is blank at #12 as to why Petitioner is the successor of the decedent. Did the decedent have a will? If so, need original deposited per Probate Code §8200.  5. The petition is incomplete at #13 as to what interest in the assets is being claimed by Petitioner. (Petition refers to Exhibit A, which is only a description of the real property.)  6. Petitioner is not the only child of the decedent. If the decedent did not have a will naming Petitioner as heir, then he is not the only heir. This summary procedure can only be used if all successors in interest petition together.  7. This petition was filed with a fee waiver. If property passes pursuant to this petition, the filing fee of \$435.00 will be due prior to such order.  8. Need Notice of Hearing and proof of service on all relatives entitled to notice per Probate Code §13153.	
<input type="checkbox"/>	Aff.Sub.Wit.			x
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	x		
	Aff.Mail	x		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 8/5/15				
Updates:				
Recommendation:				
File 21 – Peralta				



Attorney Teixeira, J. Stanley (for Petitioner Theresa Finger)  
 Petitioner Aguilar, Richard (Pro Per Petitioner)  
 Petitioner Aguilar, Joe (Pro Per Petitioner)  
 Petitioner Aguilar, Edward J. (Pro Per Petitioner)  
 Petitioner Aguilar, Angelica (Pro Per Petitioner)

**Petition to Determine Succession of Real Property (Prob. Code §13150)**

<b>DOD: 5/26/07</b>		<b>THERESA FINGER, Individually and as Special Administrator of the Estate of MARY L. G. AGUILAR, RICHARD AGUILAR, JOE AGUILAR, EDWARD J. AGUILAR, and ANGELICA AGUILAR</b> are Petitioners.  40 days since DOD  No other proceedings  I&A: \$13,330.00 (a 1/3 interest in real property located at 36944 Orange Street in Huron, CA)  Decedent died intestate	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> Declaration of Attorney Teixeira states the original I&A was inadvertently filed in 15CEPR00578, Special Administration of Estate of Richard Aguilar. A copy of the I&A is filed herein.   <p align="center"><b><u>SEE PAGE 2</u></b></p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o	<b>Petitioners request Court determination that the decedent's 1/3 interest in the real property passes to them as follows:</b>  Theresa Finger, as Special Administrator of the Estate of Mary L. G. Aguilar aka Mary Louisa Garcia: A 1/3 interest of Decedent's 1/3 interest.  Theresa Finger (Individually): A 2/45 interest of Decedent/s 1/3 interest  Richard Aguilar: A 2/45 interest of Decedent/s 1/3 interest  Joe Aguilar: A 2/45 interest of Decedent/s 1/3 interest  Edward J. Aguilar: A 2/45 interest of Decedent/s 1/3 interest  Angelica Aguilar: A 2/45 interest of Decedent/s 1/3 interest	<b>Reviewed by:</b> skc <b>Reviewed on:</b> 8/5/15 <b>Updates:</b> <b>Recommendation:</b> File 22 – Aguilar
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Page 2

**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioner Theresa Finger has not yet been appointed as Special Administrator of the Estate of Mary L. G. Guilar in 15CEPR00656. Hearing in that matter is set for 8/12/15.
2. The petition is missing Attachment 14, which should list the names, relationships to decedent, ages, and addresses of all persons named in items 1, 9, 10, all other heirs.  
Note: It appears from the proposed distribution and information provided in related cases that Mary L. G. Aguilar was the decedent's spouse, and the other 5 petitioners are the decedent's children, but that information is not provided or verified in this petition.
3. Need date of death of Mary L. G. Aguilar per Local Rule 7.1.1.D.  
Note: It appears from related case 15CEPR00656 that Mary L.G. Aguilar's date of death is 6/26/13; however, that information is not provided or verified in this petition.
4. This petition states the decedent Richard Aguilar owned a 1/3 undivided interest in the real property in Huron. On 7/27/15, in related case 15CEPR00579 (Matter of Clara Aguilar), decedent Richard Aguilar was determined to succeed to a 1/3 interest of Clara Aguilar's 1/4 interest in the property, which would be equivalent to a 1/12 interest.  
  
Therefore, need clarification: Did the decedent own additional interest in this property aside from what was passed in the related case to make up the difference between the 1/12 interest passed and 1/3 interest alleged here?
5. The interests appear to be distributed incorrectly: If five of the six heirs (Theresa individually, Richard, Joe, Edward, and Angelica) are splitting a 2/3 interest in the decedent's 1/3 interest, they would each be receiving a 2/9 interest in the decedent's 1/3 interest or, stated another way, a 2/45 interest in the property as a whole, not a 2/45 interest in the decedent's 1/3. (Note: This calculation is subject to #4 above.)

## Petition for Termination of Conservatorship

<b>DOD: 8/16/14</b>	<b>ROBERT SORENSEN</b> , brother and sole remaining Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states</b> original Robert Sorensen and Stanford Sorensen were co-conservators of Myrtle. Stanford Sorensen died 6/10/13. Myrtle died 8/16/14.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	There are no other persons that require notice.	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	Conservatorship of the person and estate is no longer required. There are no assets as the estate was insolvent and the Co-Conservators were loaning their own personal funds to support the Conservatee. The Co-Conservators were released from their bond in September 2007 after the 2 <sup>nd</sup> Account was approved. Further accountings were waived by the court.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>	Petitioner requests that the conservatorship of the person and estate of Myrtle J. Sorensen be terminated.	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 8/5/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 23 – Sorensen</b>

		<u>GENERAL HEARING 09/29/2015</u>	NEEDS/PROBLEMS/COMMENTS:	
		<b>JEANETTE JARAMILLO</b> , paternal grandmother, is petitioner.  <u>Please see petition for details</u>		
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			w/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LV	
			Reviewed on: 08/06/2015	
			Updates:	
			Recommendation:	
			File 24 – Amparano	

**First and Final Account and Report of Personal Representative and Petition  
for Its Settlement; for Allowance of Attorneys' Fees for Ordinary Services;  
and for Final Distribution.**

<b>DOD: 2/27/14</b>		<b>JANELLE HOVSEPIAN</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition states the creditor's claim of \$212.60 was rejected on 4/17/15 however the Allowance or Rejection of Creditor's Claim filed on 5/7/15 shows the claim was approved.  2. Petition states the creditor's claim of Phillips & Cohen in the amount of \$1,333.19 was compromised for \$1,065.00. California Rules of Court, Rule 7.401 states for each creditor's claim filed the personal representative must allow or reject in whole or in part the claim in writing, serve a copy of the creditor and creditor's attorney and filed a copy of the allowance or rejection with the court. An Allowance or Rejection of said claim has not been filed. Need Allowance or Rejection of Creditor's Claim.  <p align="center"><b>Please see additional page</b></p>
		Account period: 2/27/14 – 5/5/15	
<b>Cont. from</b>		Accounting - <b>\$306,916.82</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$298,518.59</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$216,533.42</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney - <b>\$9,025.84</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Costs - <b>\$488.00</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	(filing fee, certified copies)	
	<b>W/</b>		
	<b>Aff.Pub.</b>	Closing - <b>\$10,000.00</b>	
	<b>Sp.Ntc.</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
	<b>Pers.Serv.</b>	Janelle Hovespian - Decedent's 1/4 separate property interest in real property, guns and \$64,274.79	
	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	4/23/14	
	<b>Duties/Supp</b>		
	<b>Objections</b>	Greg Heard - Gun safe, various guns and \$16,780.93	
	<b>Video Receipt</b>		
	<b>CI Report</b>	Pam Hart - \$21,794.93	
<input checked="" type="checkbox"/>	<b>9202</b>	Paul Heard - \$7,264.97	
<input checked="" type="checkbox"/>	<b>Order</b>	William Ramos - \$7,264.98	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>	Amanda Galvan - \$7,264.98	
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by: KT</b>
<b>Reviewed on: 8/6/15</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 25 – McIntire</b>

**Note:** Pursuant to Local Rule 7.12.6 the Court will set a Status Hearing as follows:

**Wednesday, February 24, 2016 at 9:00 a.m. in Dept. 303** for an Informal Accounting of the **\$10,000.00** Closing Reserve.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. **Filing of the informal accounting of closing reserve will not generate a new hearing date.**